

REMARKS

Claims 21-23, 26-36 and 38-41 are pending. Claims 21, 31-33, 35, 36, 38 and 39 have been amended. Claim 41 is new. Applicants respectfully request reconsideration of these claims, which place the application in better condition for allowance or appeal.

Information Disclosure Statement

The Examiner did not consider a reference contained in an IDS dated January 11, 2010. Applicants have submitted herewith a corrected IDS and respectfully request reconsideration of the cited reference.

Rejection under 35 U.S.C. §102(b)

Claims 21-27, 31, 33, 34, 36 and 37 stand rejected under §102(b) as being anticipated by U.S. 5,702,489 to Slemker. The Office Action concluded that Slemker discloses each feature of the claim, including a vacuum source in fluid communication with a space 34.

Independent claims 21 and 35 have been amended to recite that the vacuum source includes a vacuum pump attached to the apparatus such that the vacuum source is in continuous fluid communication with the interior of the socket. Claim 35 has further been amended to recite a vacuum regulator adapted to regulate the application of the vacuum to the socket space. Claim 36 has been amended to recite the steps of maintaining application of the vacuum in a range of 10 to 25 in. of mercury and automatically adjusting the vacuum applied to the air-filled space when the apparatus is in use.

Slemker does not disclose an apparatus including an attached vacuum pump, or the step of maintaining a vacuum during use as claimed. Instead, Slemker discloses a quick connect port 64, which allows a pump to be attached and detached when the socket is donned and removed from the limb (Col. 6, lines 19-34). Moreover, Slemker does not recognize that vacuum-supported sockets generally cannot maintain a sufficient vacuum for the prosthetic leg to remain in place during use, and accordingly, discloses no reason for attaching a vacuum pump to maintain a vacuum during use as claimed. Indeed, Slemker affirmatively discloses a quick connect/disconnect port for the precise reason that the pump is not intended

to be attached to the prosthetic device or to be in continuous fluid communication.
Withdrawal is respectfully requested.

Rejection under 35 U.S.C. §103

Claims 28-30, 32, 35 and 38-40 are rejected under §103(a) as unpatentable over Slemker. Claim 35 is patentable for the reasons discussed above. Claims 28-30, 32 and 38-40 depend from independent claim 1 or 36 and are allowable for the reasons stated above.

Conclusion

The pending claims are in condition for allowance. If the Examiner has any additional questions, he is encouraged to contact the undersigned.

Respectfully submitted,

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